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the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Kuwait

1. The Committee considered the thirteenth and fourteenth periodic reports of Kuwait, submitted in one document (CERD/C/299/Add.16 and Corr.1), at its 1325th and 1326th meetings (CERD/C/SR.1325-1326), held on 15 and 16 March 1999. At its 1331st meeting, held on 18 March 1999 (CERD/C/SR.1331), it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report of Kuwait and the opportunity to resume its dialogue with the State party. The Committee notes with satisfaction the regularity with which the State party has submitted its reports to the Committee. The Committee also expresses its appreciation to the delegation of the State party for the additional information that it provided to the Committee orally and in writing.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee acknowledges that, as a result of the invasion and occupation of Kuwait by Iraq, the State party was subjected to serious difficulties which continue to affect the capacity of the State party to fully implement all of the provisions in the Convention.

C. Positive aspects

4. The Committee welcomes the steps taken by the State party to grant Kuwaiti nationality to a certain number of non-Kuwaitis. In particular, the Committee welcomes the amendment to article 7 of the Nationality Act (Decree No. 15 of 1959), which provides that children of naturalized fathers born after their father acquired Kuwaiti nationality are now regarded as being of Kuwaiti origin. This provision also applies to those born after the entry into force of that Act.

5. The Committee welcomes the establishment of an executive committee on undocumented persons in the country. It also notes with satisfaction the approval by the Council of Ministers of Decree No. 60/1997 granting Kuwaiti nationality to the children of martyrs, classified as bidoon (i.e. residing illegally in the country.

6. In connection with articles 2 and 4 of the Convention, the Committee welcomes the legislative proposal for the addition of two articles to the Penal Code of Kuwait. The first of these prohibits incitement to racial discrimination and the second stipulates that it is a punishable offence for public officials not to respect racial equality.

7. The Committee notes with appreciation the measures taken by the State party to protect the rights of foreign workers in Kuwait. In particular, the Committee welcomes the statement of the State party that it has ratified a large number of international conventions adopted by the International Labour Organization and the Arab Labour Organization with a view to protecting workers' rights.

8. In this regard, the Committee also welcomes the establishment of a Department of Domestic Labour Offices, as well as a Department to Regulate Recruitment Agencies, to monitor the employment of foreign domestic servants and to ensure that recruitment agencies act in a fair and just manner.

9. The Committee welcomes the establishment of a Committee for the Defence of Human Rights within the National Assembly, to monitor human rights issues in Kuwait.

D. Principal subjects of concern

10. While the Committee acknowledges the proposed amendment to the Penal Code in connection with article 4 of the Convention, it notes with concern that the Kuwaiti legislation is not in full compliance with the provisions of this article.

11. The Committee is still concerned about discriminatory measures in relation to vulnerable groups of foreigners, in particular, the treatment of foreign domestic servants.

12. The Committee is concerned by the fact that, in spite of efforts, the Government of Kuwait has not yet found a solution to the problems of the bidoon, the majority of whom are still stateless.

13. With regard to article 7 of the Convention, the Committee notes with concern the insufficient training for law enforcement officials and other public officials regarding the provisions of the Convention.

E. Suggestions and recommendations

14. The Committee recommends that the State party revise the Penal Code in order to introduce specific legislation to implement the provisions of article 4 of the Convention in accordance with General Recommendations VIII and XV of the Committee.

15. The Committee recommends that the State party improve administrative and legal measures to guarantee the enjoyment by individuals belonging to vulnerable groups of foreigners, notably domestic workers, of the rights enshrined in the Convention without any discrimination.

16. The Committee recommends that the State party find a solution to the problems faced by the bidoon and ensure the enjoyment of their rights without any discrimination, in accordance with articles 2 and 5 of the Convention.

17. The Committee recommends that the next report include information on the implementation of article 6 of the Convention.

18. The Committee suggests that the State party consider intensifying the education and training of law enforcement officials, in accordance with article 7 of the Convention and General Recommendation XIII of the Committee.

19. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States parties to the Convention.

20. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of making such a declaration be considered.

21. The Committee recommends that the State party widely disseminate its report and the present concluding observations.

22. The Committee recommends that the next periodic report of the State party, due on 4 January 1998, be an updating report and address the suggestions and recommendations adopted by the Committee.

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